

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RENEE M. BUTZ,)
)
)
Plaintiff,)
v.) C.A. No. 05-495 (JJF)
)
LAWNS UNLIMITED LTD., and,)
EDWARD FLEMING)
)
Defendants.)
)

**DEFENDANTS' MOTION FOR AN EXTENSION OF
TIME TO FILE REPLY BRIEF**

Defendants Lawns Unlimited Ltd. and Edward Fleming (collectively, "lawns"), hereby request an extension of the December 19, 2007, deadline for filing their Reply Brief in Support of Their Motion for Summary Judgment for the reasons that follow:

1. The Parties previously stipulated to a briefing schedule pursuant to which Defendants' Opening Brief was due on or before October 17, 2007, Plaintiff's Answering Brief by November 19, 2007, and Defendants' Reply Brief by December 19, 2007. (D.I. 120).
2. The Opening and Answering Briefs were timely filed. (D.I. 125, 127).
3. The undersigned requests an extension of time in which to file Defendants' Reply Brief. The request is made in good faith and is based on the undersigned's inability to devote what she believes is sufficient time and attention to the preparation of Defendants' brief due to the conflicting requirements of other matters pending in the District Court.

4. The undersigned further certifies, pursuant to Local Rule 7.1.1, that this request has been made directly to Plaintiff *Pro Se* Renee M. Butz prior to filing this Motion. See E-Mail Correspondence, attached as Exhibit 1. Regrettably, Plaintiff has declined to agree to the requested extension.

5. Defendants note that Plaintiff failed to file an Answering Brief to Defendants' Motion for Judgment on the Pleadings (D.I. 44), until ordered by the Court to do so. (D.I. 47). Plaintiff filed her Answering Brief on March 8, 2007, approximately two weeks after the initial deadline of February 20, 2007. (D.I. 50). Defendants made no objection to the late filing of Plaintiff's response prior to the Court's *sua sponte* Order.

6. Therefore, Defendants respectfully request a two-week extension, or until January 3, 2007, to file their Reply Brief. Defendants note that the two-week request is due, in large part, to the upcoming holidays, during which the undersigned's offices, and the courts, will be closed and during which staffing will be sparse.

Respectfully submitted,

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca

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DATED: December 17, 2007

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 Plaintiff,)
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EDWARD FLEMING)
 Defendants.)
)

ORDER

WHEREFORE, this _____ day of _____, 2007,

Defendants' Motion for Extension of Time to File Their Reply Brief in Support of Their Motion for Summary Judgment having been duly heard and considered, is hereby GRANTED. Defendant's Reply Brief shall be filed on or before January 3, 2008.

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Margaret M. DiBianca, Esquire, hereby certify that on December 17, 2007, I electronically filed a true and correct copy of **Defendants' Motion for Extension of Time to File Their Reply Brief in Support of Their Motion for Summary Judgment** with the Clerk of the Court using CM/ECF. I further certify that on the same day, I caused to be served two (2) true and correct copies of the foregoing **Defendants' Motion for Extension of Time to File Their Reply Brief in Support of Their Motion for Summary Judgment** on the following non-registered participant via U.S. Mail and via postage prepaid, First Class Certified U.S. Mail/Return Receipt Requested:

Renee M. Butz, *pro se*
58 Hickory Drive
North East, MD 21901

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca

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DATED: December 17, 2007